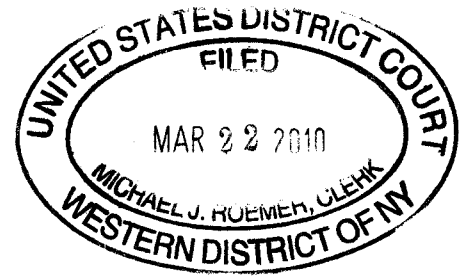


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



NATIONAL HEALTHCARE AFFILIATES, INC.,

Plaintiff,

v.

ORDER
01-CV-798

LIBERTY MUTUAL INSURANCE COMPANY,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On May 1, 2009, defendant filed a motion for sanctions. On January 4, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion be granted in part.


Defendant filed objections to the Report and Recommendation on January 18, 2010, and a response was filed thereto. Oral argument on the objections was held on March 10, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion is granted in part.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 22, 2010